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Letter dated 13 April 2012 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

In connection with the forthcoming briefing of the Security Council entitled "Maintenance of international peace and security: nuclear non-proliferation, disarmament and security", to be held on 19 April 2012, I have the pleasure, on behalf of the Member States of the Non-Aligned Movement (NAM), to bring herewith to the attention of the Council the related paragraphs reflecting the positions of NAM on this important issue incorporated in the section on disarmament and international security in the Final Document of the XVI Ministerial Conference and Commemorative Meeting of the Non-Aligned Movement held in Bali, Indonesia, from 23 to 27 May 2011 (A/65/896-S/2011/407, annex I, paras. 132-203). In the light of the subject matter of the Council's meeting, I would also like to bring herewith to the attention of the Council the statement delivered on behalf of the Non-Aligned Movement before the high-level meeting on nuclear safety and security, held in New York, on 22 September 2011 (see annex).

Additionally, I would like to refer to my two letters on behalf of the member States of the Non-Aligned Movement, dated 11 September 2009 and 3 December 2009, as contained in documents S/2009/459 and S/2009/631, respectively. These letters were sent in connection with the meeting of the Security Council, held at the level of Heads of State and Government on 24 September 2009 for consideration of the agenda item entitled "Nuclear non-proliferation and nuclear disarmament", and on the substantive content of Council resolution 1887 (2009) relating to the work and mandate of both the International Atomic Energy Agency and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in Vienna.

On this occasion, NAM stresses that the Security Council must fully observe all provisions of the Charter of the United Nations as well as all General Assembly resolutions, which clarify its relationship with the latter organ and other principal organs. In this context, NAM affirms that Article 24 of the Charter does not necessarily provide the Council with the competence to address issues which fall within the functions and powers of the Assembly and the Economic and Social Council, including in the areas of norm-setting, legislation, administrative and budgetary matters, and establishing definitions, bearing in mind that the Assembly is primarily tasked with the progressive development of international law and its

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codification.[1] NAM further stresses that close cooperation and coordination among all principal organs is highly indispensable in order to enable the United Nations to remain relevant and capable of meeting the existing, new and emerging threats and challenges. NAM stresses that while Member States have conferred on the Council the primary responsibility for the maintenance of international peace and security pursuant to Article 24 (1) of the Charter and in carrying out its duties under this responsibility, the Council acts on their behalf.

The Movement reaffirms that the United Nations, its Charter, and international law remain indispensable tools and central in the preservation and maintenance of international peace and security and the strengthening of international cooperation. While acknowledging its limitations, the United Nations, which represents near universal membership and a well-founded international legitimacy, and through it, multilateralism, remains the central multilateral forum for addressing the pressing global issues and challenges presently confronting all States. In this regard, NAM reaffirms the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, and reiterates its determination to promote multilateralism as the core principle of negotiations in the area of disarmament and non-proliferation. NAM reiterates its strong concern at the growing resort to unilateralism, and in this context underlines that multilateralism and multilaterally agreed solutions, in accordance with the Charter, provide the only sustainable method of addressing disarmament and international security issues.

NAM reaffirms the Movement's principled positions on nuclear disarmament, which remains its highest priority, and on the related issue of nuclear non-proliferation in all its aspects and stresses the importance that efforts aimed at nuclear non-proliferation should be parallel to simultaneous efforts aimed at nuclear disarmament. NAM emphasizes that progress in nuclear disarmament and nuclear non-proliferation in all its aspects is essential to strengthening international peace and security. In this context, NAM reiterates its deep concern over the slow pace of progress towards nuclear disarmament and the lack of progress by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals in accordance with their relevant multilateral legal obligations, and emphasizes in this regard the urgent need to commence negotiations on comprehensive and complete nuclear disarmament without delay. NAM emphasizes the necessity to start negotiations without further delay on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear weapons convention. NAM reaffirms the importance of the application of the principles of transparency, irreversibility and verifiability by nuclear-weapon States in all measures related to the fulfilment of their nuclear disarmament obligations. In this context, NAM stresses that nuclear disarmament, as the highest priority established by the first special session on disarmament and as a multilateral legal obligation, should not be made conditional on confidence-building measures or other disarmament efforts. NAM reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and also reaffirms that non-nuclear-weapon States should be effectively assured by nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the total elimination of nuclear weapons, NAM reaffirms the need

[1] In accordance with Article 13 (1) of the Charter.

for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States as a matter of high priority.

As the Council's meeting addresses the issue of nuclear-weapon-free zones, NAM reaffirms the need for the speedy establishment of a nuclear-weapon-free zone in the Middle East in accordance with Security Council resolution 487 (1981) and paragraph 14 of Council resolution 687 (1991) and the relevant General Assembly resolutions adopted by consensus; and, pending its establishment, NAM demands that Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons or declared its intention to do so, renounce possession of nuclear weapons, accede to the Treaty without further delay, place promptly all its nuclear facilities under International Atomic Energy Agency full-scope safeguards according to Security Council resolution 487 (1981) and conduct its nuclear-related activities in conformity with the non-proliferation regime.

Furthermore, as the theme of the meeting is on nuclear non-proliferation, disarmament and security, and in the light of the issues addressed thereto, NAM would like to highlight, and is mindful of, the unique and technical nature of nuclear safety and nuclear security and their distinct implementation within IAEA. NAM recognizes that the primary responsibility for nuclear safety and nuclear security rests with the individual States. NAM believes that IAEA plays a central role in nuclear safety-related matters, including through the establishment of nuclear safety standards. The Movement stresses that IAEA must retain this centrality in this field, owing to its mandatory functions and long-standing expertise. NAM stresses that any possible review of nuclear safety standards at the global level must be carried out within IAEA, in an inclusive, gradual and transparent manner, and in consultation with, and with the guidance and participation of, all member States, and shall incorporate the views of all member States. NAM underlines the IAEA mandate, authority and central role in the area of nuclear security. Any multilateral norms, guidelines or rules in nuclear security should be pursued within the framework of IAEA. Such a process shall be Member States-driven, negotiated multilaterally through a gradual, inclusive and transparent process incorporating the views of all Member States. NAM believes that any attempt to encroach upon the mandate, competence and central role of IAEA in the area of nuclear security shall be avoided. In this context, the work of various processes and initiatives shall be in conformity with the IAEA role and function, and unnecessary duplication and overlap among those activities with IAEA must be avoided. The Movement emphasizes that measures and initiatives aimed at strengthening nuclear safety and nuclear security must not be used as a pretext or leverage to violate, deny or restrict the inalienable right of developing countries to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

While noting the adoption by the Security Council of its resolutions 1540 (2004), 1673 (2006) and 1810 (2008), the Movement had underlined the need to ensure that any action by the Council does not undermine the Charter and existing multilateral treaties on weapons of mass destruction and of international organizations established in this regard, as well as the role of the General Assembly. NAM further cautions against the continuing practice of the Council to utilize its authority to define the legislative requirements for Member States in implementing Council decisions. In this regard, the Movement stresses the importance of having the issue of non-State actors acquiring weapons of mass destruction addressed in an

inclusive manner by the Assembly, taking into account the views of all Member States.

I trust that this contribution by the Non-Aligned Movement will enrich the deliberations of the Security Council on this issue and that it will be duly taken into consideration in the formulation of any document to be adopted by the Council at the end of the meeting.

I request that the present letter and its annex be circulated as a document of the Security Council and be distributed to the members of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador
Permanent Representative

Annex

Statement by Bruno Rodríguez Parrilla, Minister for Foreign Affairs of Cuba, on behalf of the Non-Aligned Movement, at the high-level meeting on nuclear safety and security held in New York on 22 September 2011

1. I am honoured to speak on behalf of the Non-Aligned Movement (NAM) at this important meeting, which represents an opportunity to exchange general views at the highest level on nuclear safety and nuclear security. Given the time limit for interventions, I will merely point out some of the most important elements of the NAM statement, the full version of which will be distributed in the room.

2. At the outset, NAM member States would like to renew their solidarity with Japan in the wake of the earthquake and tsunami disasters as well as the accident at the Fukushima Daiichi nuclear power plant in March this year. It is our hope that Japan will recover from these tragedies as soon as possible. NAM stresses the need to draw lessons from this accident.

3. NAM emphasizes that the International Atomic Energy Agency (IAEA) is the sole intergovernmental organization within the United Nations system with the mandate and experience to deal with the technical subjects of nuclear safety and nuclear security, and considers that the present high-level meeting, convened at the initiative of the Secretary-General of the United Nations, should reaffirm this principle.

4. NAM reaffirms the inalienable right of developing countries to develop research, production and use of nuclear energy for peaceful purposes without discrimination. NAM also recognizes that the decision to exercise this right, including for nuclear power generation, remains an inalienable right and a sovereign choice of each country. Therefore, this meeting should send a signal of support for nuclear energy as a clean and viable source. The high-level meeting should also signal the international community's commitment to review and strengthen the global nuclear safety framework.

5. NAM is mindful of the unique and technical nature of nuclear safety and nuclear security and their distinct implementation within IAEA. NAM recognizes that the primary responsibility for nuclear safety and nuclear security rests with the individual States.

6. The Movement attaches high importance to nuclear safety and stresses the need for continued reinforcement of nuclear safety standards at the international level to ensure that the highest and most robust levels of nuclear safety are in place, based on IAEA safety standards. NAM is of the view that the accident at the Fukushima Daiichi nuclear power plant, resulting from an extraordinary natural event, has demonstrated the need to further improve nuclear safety in the areas of siting, design, operation and emergency preparedness of nuclear installations. NAM therefore encourages IAEA to further assist Member States in this regard.

7. NAM believes that IAEA plays a central role in nuclear safety-related matters, including through the establishment of nuclear safety standards. The Movement stresses that IAEA must retain this centrality in this field, owing to its mandatory functions and long-standing expertise. NAM believes that the IAEA role in this

regard is essentially to assist Member States, upon request, in building capabilities and infrastructure to ensure safe and secure development and use of nuclear materials and radioactive sources, as well as in providing expertise and advice in this field and in promoting nuclear safety culture worldwide.

8. NAM stresses that any possible review of nuclear safety standards at the global level must be carried out within IAEA, in an inclusive, gradual and transparent manner, and in consultation with, and with the guidance and participation of, all member States, and shall incorporate the views of all member States.

9. NAM attaches great importance to promoting international cooperation to strengthen national capacity in the field of nuclear safety and response to radiological and nuclear emergencies, in particular through the freest possible flow and wide dissemination of safety-related technical and technological information and transfer of related technology without discrimination.

10. NAM emphasizes the need to improve national, regional and international emergency preparedness and response to nuclear accidents. The Movement calls for a strengthened IAEA role in emergency preparedness and response. NAM is of the view that IAEA must endeavour to assist Member States on emergency preparedness and response to nuclear accidents, through promoting capacity-building, including education and training in the field of crisis management.

11. NAM underlines that States with nuclear power programmes have a central role in their own countries in ensuring the application of the highest standards of nuclear safety and the responsibility for providing a timely, transparent and adequate response to nuclear accidents in order to minimize their consequences. NAM stresses the need for rapid, timely, continuous, reliable and transparent dissemination of information in nuclear accidents with significant transboundary radiological effects, in accordance with relevant international conventions. In this context, the Movement underscores the key role of IAEA in receiving and spreading such information, in accordance with its statute and relevant international conventions, and in full respect for the confidentiality of information.

12. NAM underlines the importance of greater awareness on strengthening nuclear safety, and supports the process of learning and acting upon the lessons learned from the Fukushima accident to strengthen nuclear safety, emergency preparedness and radiation protection of people and the environment worldwide. The lessons learned process must be under the leading role of IAEA and be based on expert assessment, be inclusive, gradual, transparent and non-discriminatory, and should take into account the interests of developing countries.

13. NAM considers that the free and open technical and technological exchange among States could have a highly beneficial impact on the strengthening of nuclear safety globally. In this context, NAM reaffirms the IAEA statutory responsibility to cooperate fully with Member States, specifically developing countries, on all issues relating to nuclear safety, including by facilitating access, without discrimination, to the best nuclear safety technology and expertise available globally. In this connection, NAM considers that the handling of nuclear safety-related information in a proprietary manner hinders the Agency's efforts and represents an obstacle to the continued improvement of nuclear safety globally. NAM also underlines the need for IAEA and developed countries to further promote capacity-building in

developing countries, including through education and training for both regulators and operators.

14. NAM continues to note with concern that undue restrictions on exports to developing countries of material, equipment and technology for peaceful purposes persist. NAM stresses particularly the responsibility of developed countries to promote the legitimate need for nuclear energy of developing countries, by allowing them to participate to the fullest extent possible in the transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

15. NAM underlines the IAEA mandate, authority and central role in the area of nuclear security. Any multilateral norms, guidelines or rules in nuclear security should be pursued within the framework of IAEA. Such a process shall be Member States-driven, negotiated multilaterally through a gradual, inclusive and transparent process incorporating the views of all Member States. NAM believes that any attempt to encroach upon the mandate, competence and central role of IAEA in the area of nuclear security shall be avoided. In this context, the work of various processes and initiatives shall be in conformity with the IAEA role and function, and unnecessary duplication and overlap among those activities with IAEA must be avoided.

16. The Movement reaffirms the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human beings and the environment and constitutes a grave violation of international law and the principles and purposes of the Charter of the United Nations and the regulations of IAEA. NAM recognizes the urgent need for a comprehensive multilaterally negotiated instrument prohibiting attacks or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

17. The Movement reiterates its long-standing position regarding the absolute validity of multilateralism. NAM reaffirms the significance of the principles of inclusivity and non-discrimination, as well as non-intervention in the domestic affairs of States, and respect for their sovereignty and independence.

18. The Movement emphasizes that measures and initiatives aimed at strengthening nuclear safety and nuclear security must not be used as a pretext or leverage to violate, deny or restrict the inalienable right of developing countries to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

19. On its part, NAM member countries stand ready to continue to engage and cooperate within IAEA to make tangible progress on enhancing global nuclear safety and nuclear security.

20. NAM member States supported the convening of the Ministerial Conference on Nuclear Safety held in Vienna in June 2011, as a platform for launching an initial assessment of the Fukushima Daiichi nuclear accident and for an exchange of views on the lessons to be learned from it, with a view to further strengthening the nuclear safety framework and the emergency preparedness and response mechanisms.

21. The Ministerial Conference, which requested IAEA to develop an action plan on nuclear safety, should be viewed as the beginning of a process that should seek to reinforce nuclear safety worldwide in all its aspects through concrete actions based on appropriate technical and objective assessments, particularly considering that a thorough international technical assessment of the Fukushi Daiichi nuclear accident is still necessary and should continue to be pursued witnin the context of IAEA. Such a process has to be Member State-driven.

22. NAM is confident that the summary of this meeting, to be prepared under the sole responsibility of the Secretary-General, would include the views of all Member States. In conclusion, NAM would like to reiterate that taking into account the technical nature of nuclear safety and nuclear security, these issues should be addressed exclusively within the framework of IAEA.